

RESOLUTION NO. 74890

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ MAKING CERTAIN DETERMINATIONS REGARDING THE EXPENDITURE OF REDEVELOPMENT AGENCY FUNDS FOR CERTAIN PUBLIC IMPROVEMENTS IN THE RINCON DE LOS ESTEROS AND THE MERGED REDEVELOPMENT PROJECT AREAS IN THE GREATER DOWNTOWN

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency, with the consent of the legislative body, to pay for the costs of certain public improvements if the legislative body determines that: 1) the public improvements benefit the project area; 2) no other reasonable means of financing the improvements are available to the community, and 3) payment for the improvements will assist in the elimination of blight in the project area and is consistent with the implementation plan; and

WHEREAS, the Council has received and considered that certain memorandum entitled “Determinations Regarding Funds Transferred to the City for Public Improvement Project” from the Assistant Director of Project Management of the Redevelopment Agency of the City of San José to the City’s Capital Budget Coordinator, dated March 2, 2009 which includes a discussion of certain public improvements in the Rincon de Los Esteros and the Merged Redevelopment Project Areas in the Greater Downtown (the “Project Area”); and

WHEREAS, the Project Area was created pursuant to the provisions of the California Community Redevelopment Law (California Health and Safety Code Sections 33000, *et. seq.*) and the adoption of a redevelopment plan; and

WHEREAS, in connection with the adoption of the redevelopment plan, the Redevelopment Agency has determined that blighting conditions exist within the Project Area and that the implementation of various public improvements is an element of the redevelopment plan; and

WHEREAS, the implementation plan for the Project Area includes the painting of the traffic signal poles and mast arms, removing obsolete signage and eliminating peeling paint on the poles and painting the poles according to the recommendations of the streetscape improvements plans; and

WHEREAS, the improvements referenced in the March 2, 2009 Memorandum are intended to accomplish the goal of eliminating blight within the Project Area by removing graffiti and peeling paint from existing traffic signal poles, unifying each street segment with a consistent treatment to each traffic signal pole, and providing a clean, more attractive street and pedestrian environment; and

WHEREAS, the City’s capital budget does not include funding for these public improvements and there are no other reasonable means of financing the project;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSÉ:

- A. The City Council hereby determines, based upon the information contained in the Memorandum from the Assistant Director of Project Management dated March 2, 2009 that Redevelopment Agency funding of the painting of the traffic signal poles and mast arms, removing obsolete signage and eliminating peeling paint on the poles and painting the poles according to the recommendations of the streetscape improvements plans:
1. Will benefit the impacted Redevelopment Project Area; and
 2. Cannot be reasonably funded by other means; and
 3. Will assist in the elimination of blight in the Project Area by removing graffiti and peeling paint from existing traffic signal poles, unifying each street segment with a consistent treatment to each traffic signal pole, and providing a clean, more attractive street and pedestrian environment; and
 4. Is consistent with the implementation plan for the Project Area.
- B. The City Council hereby consents to the Redevelopment Agency's funding of those public improvements.

ADOPTED this 5th day of May 2009, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CHIRCO.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk